

App. Serial No 10/528,941
GB020162US

REMARKS

Claims 1-10 are currently pending in the patent application. For the reasons and arguments set forth below, Applicant respectfully submits that the claimed invention is allowable over the cited references.

In the instant Office Action dated July 9, 2007, the following rejections are noted: claims 1-10 stand rejected under 35 U.S.C. 112(2); and claims 1-10 stand rejected over Yun *et al.* (U.S. Patent No. 6,433,386).

Applicant respectfully traverses the Section 112(2) rejection of claims 1-10 as being indefinite. It appears to Applicant that the Examiner has not asserted that any specific claim language is indefinite, but rather that limitations be inserted in order to address ancillary questions raised, such as "Are all of the sense cells essentially identical in structure?" or "How are the different groups of sense cells separated from adjacent groups?" It appears that the Examiner is attempting to limit the breadth of the claims by improperly asserting indefiniteness because the claims are not worded as the Examiner would prefer. Such an assertion is contrary to M.P.E.P. § 2173.04 because the "(b)readth of a claim is not to be equated with indefiniteness." *See In re Miller*, 441 F.2d 689 (CCPA 1971).

In view of the above, the Section 112(2) rejection of claims 1-10 is improper and Applicant requests that it be withdrawn.

Applicant respectfully traverses the Section 103(a) rejection of claims 1-10. The cited portions of the Yun reference do not correspond to the claimed invention which includes, for example, aspects directed to each group of sense cells being connected to a respective sense terminal, the groups having different ratios of edge cells to inner cells. The cited portions of the Yun reference teach that the desired sense pad (SP₃₁, SP₃₂ and/or SP₃₃, which contain sense cell arrays SCA₃₁, SCA₃₂ and SCA₃₃ respectively) is selected by cutting the appropriate fuses (S₃₁-S₃₅). The selected sense pad is then connected to sense source Ss. This connection enables the selection of the ratio of sense cells to main cells and thereby the desired sense current ratio. *See, e.g.*, Figure 6 and Col. 6:15-52. Thus, Yun teaches that only the selected sense pad is connected to the sense source, not that each of the sense pads (SP₃₁, SP₃₂ and SP₃₃) is connected to respective sense sources. Therefore, the Yun reference does not teach or suggest that each group of

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sense cells is connected to a respective sense terminal as in the claimed invention. Accordingly, the Section 103(a) rejection of claims 1-10 is improper and Applicant requests that it be withdrawn.

Applicant further traverses the Section 103(a) rejection of claims 1-10 because the Office Action has failed to state the rejection in a manner consistent with 35 U.S.C.

§ 132. The Office Action fails to provide sufficient detail regarding the alleged correspondence between the claimed invention and the cited reference that would enable Applicant to adequately respond to the rejection. According to M.P.E.P. § 706.02(j), "It is important for an examiner to properly communicate the basis for a rejection so that the issues can be identified early and the applicant can be given fair opportunity to reply."

In this instance, the Office Action's entire rejection consists of citing Yun's sense cell arrays (SCA₃₁, SCA₃₂ and SCA₃₃, *see e.g.*, Figure 6) and stating "In addition, the Yun structure, which also makes use of MOS devices, would, of necessity, include the well known support layers, terminals and drive circuitry, as claimed." Due to the lack of any further discussion, the Examiner's basis for the rejection is unclear to Applicant. For example, it is unclear to Applicant which aspects of the claimed invention the Examiner is asserting as being taught by the Yun reference. The Examiner asserts that Yun necessarily includes well known support layers, terminals and drive circuitry. However, it is unclear whether the Examiner is asserting that these aspects are expressly taught by Yun, whether the Examiner is asserting that these aspects are inherent to Yun, (*see* M.P.E.P. § 2112 for the requirements of a rejection based on inherency) or whether the Examiner is taking Official Notice that these aspects are well known (*see* M.P.E.P. § 2144.03 for the requirements of taking Official Notice).

In view of the above, the Section 103(a) rejection of claims 1-10 is improper and Applicant requests that it be withdrawn. Should any rejection based upon the Yun reference be maintained, Applicant respectfully requests that the Office Action provide clarification regarding the basis for the rejection and that the Office Action specifically identify which portions of the Yun reference allegedly correspond to the various aspects of claimed invention. In addition, should any rejection based upon the Yun reference be maintained, Applicant respectfully requests an opportunity to respond thereto. According to M.P.E.P. § 706.07, "Before final rejection is in order a clear issue should be developed

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between the examiner and applicant." Applicant submits that a clear issue has not been developed between Applicant and the Examiner due to the lack of citations to the Yun reference and due to the lack of clear basis for the rejection as discussed above. Accordingly, should any rejection based upon Yun be maintained, Applicant should be afforded an opportunity to respond.

Applicant notes that minor amendments have been made to remove multiple claim discrepancies and to remove reference numerals. These amendments are not being made to overcome the rejections raised by the Office Action, which fail for the reasons discussed above.

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In view of the remarks above, Applicant believes that each of the rejections has been overcome and the application is in condition for allowance. Should there be any remaining issues that could be readily addressed over the telephone, the Examiner is asked to contact the agent overseeing the application file, Peter Zawilski, of NXP Corporation at (408) 474-9063 (or the undersigned).

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